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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 60m of this title.

§ 1201. Short title; purpose; definitions**(a) Short title**

This chapter may be cited as the “Government Employee Rights Act of 1991”.

(b) Purpose

The purpose of this chapter is to provide procedures to protect the right of Senate and other government¹ employees, with respect to their public employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

(c) Definitions

For purposes of this chapter:

(1) Senate employee

The term “Senate employee” or “employee” means—

- (A) any employee whose pay is disbursed by the Secretary of the Senate;
- (B) any applicant for a position that will last 90 days or more and that is to be occupied by an individual described in subparagraph (A); or
- (C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's Senate employment.

(2) Head of employing office

The term “head of employing office” means the individual who has final authority to appoint, hire, discharge, and set the terms, conditions or privileges of the Senate employment of an employee.

(3) Violation

The term “violation” means a practice that violates section 1202 of this title.

(Pub. L. 102-166, title III, §301, Nov. 21, 1991, 105 Stat. 1088; Pub. L. 103-283, title III, §312(f)(1), July 22, 1994, 108 Stat. 1446.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title III of Pub. L. 102-166, Nov.

21, 1991, 105 Stat. 1088, which is classified generally to this chapter. For complete classification of title III to the Code, see Tables.

AMENDMENTS

1994—Subsec. (c)(1)(B) to (D). Pub. L. 103-283, which directed the amendment of subsec. (c) by striking out subpar. (B), redesignating subpars. (C) and (D) as (B) and (C), respectively, and striking out “or (B)” after “described in subparagraph (A)” in subpars. (B) and (C), was executed by making the amendment to subsec. (c)(1) to reflect the probable intent of Congress. Prior to amendment, subpar. (B) read as follows: “any employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings;”.

EFFECTIVE DATE

Chapter effective Nov. 21, 1991, except as otherwise provided, see section 402 of Pub. L. 102-166, set out as an Effective Date of 1991 Amendment note under section 1981 of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60l, 60m, 1207a of this title; title 42 section 12209.

§ 1202. Discriminatory practices prohibited

All personnel actions affecting employees of the Senate shall be made free from any discrimination based on—

- (1) race, color, religion, sex, or national origin, within the meaning of section 2000e-16 of title 42;
- (2) age, within the meaning of section 633a of title 29; or
- (3) handicap or disability, within the meaning of section 791 of title 29 and sections 12112 to 12114 of title 42.

(Pub. L. 102-166, title III, §302, Nov. 21, 1991, 105 Stat. 1088.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1201, 1207, 1214, 1216, 1219, 1220 of this title.

§ 1203. Establishment of Office of Senate Fair Employment Practices**(a) In general**

There is established, as an office of the Senate, the Office of Senate Fair Employment Practices (referred to in this chapter as the “Office”), which shall—

- (1) administer the processes set forth in sections 1205 through 1207 of this title;
- (2) implement programs for the Senate to heighten awareness of employee rights in order to prevent violations from occurring.

(b) Director**(1) In general**

The Office shall be headed by a Director (referred to in this chapter as the “Director”) who shall be appointed by the President pro tempore, upon the recommendation of the Majority Leader in consultation with the Minority Leader. The appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. The Director shall be appointed for a term of service which shall expire at the end of the Congress following the

¹ So in original. Probably should be capitalized.